

REMARKS/ARGUMENTS

Reconsideration of the subject application is requested. In the present Office Action, the Examiner objected to Claim 3 because of a word misspelling; the Examiner rejected Claim 12 as being indefinite under 35 U.S.C. 35; the Examiner provisionally rejected claims 1, 2 and 23 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over co-pending Application No. 10/331,841; the Examiner rejected claims 1, 2, 9, 10 and 23 under §102(a) as being anticipated by Wang Application (US 2003/0198810); and the Examiner allowed claims 11 and 13-22; Examiner indicated that claims 12, 3-8, 12 and 24 would be allowable if rewritten.

In this response, Applicants present various amendments and clarifying remarks believed to remedy the Examiner's rejections, and place the claims in condition for allowance.

Claims 1-6 and 8-25 remain in the application.

Claim 25 is a newly added claim. No new matter has been added, because the support for Claim 25 can be found in the original Claim 18.

Claim 3 has been amended and the misspelled word has been corrected.

Claims 12 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to point out and distinctly claim the subject matter which the applicant regards as the invention. Claim 12 has been amended.

Claims 1, 2 and 23 were rejected by the Examiner under the judicially created doctrine of obvious type double patenting as been unpatentable over Claims 3, 36 and 45 of co-pending Application No. 10/331,841, which actually has been matured into US Patent 6,872,785.

The newly-added limitation in Claim 1, "wherein said functional group is selected from the group consisting of maleimide, hydroxyl, carboxy formyl, azocarboxy, epoxide, amino and mixtures thereof; or wherein said functional group is provided by a

dicarboxylic anhydride", is derived from objected to but otherwise allowable claim 7, plus the "dicarboxylic anhydride" limitation found in the specification and not in either of the asserted references.

Claim 2 has been amended so that the "monodisperse" is used to limit a plurality of the polymer nanoparticles.

The newly-added limitation in Claim 23, "wherein said functional group is selected from the group consisting of maleimide, hydroxyl, carboxy formyl, azocarboxy, epoxide, amino, and mixtures thereof; or wherein said functional group is provided by a dicarboxylic anhydride", is not claimed in US Patent 6,872,785.

Newly added claims 26 and 27 include the subject matter of objected to, but otherwise allowable claims 6 and 8, respectively.

Given the foregoing amendments, and supporting arguments, Applicants assert that all rejections have been fully responded to and overcome. Therefore, Applicants respectfully request that a timely Notice of Allowance be issued in this application.

Respectfully submitted,

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